IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 641 of 2005
(Old No. 3238 of 1995)

Bahadur Chand Rajan
S/o Sri Daulat Chand
R/o Tildhugari
P.S. Pithoragarh … Applicant

Vs

State of U.P. & another … Opp. Parties

Sri Lokendra Dobhal, learned counsel for the applicant
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioner – Bahadur Chand Rajan for quashing the proceedings of the Criminal Case No. 580 of 1995, State of U.P. Vs Bahadur Chand Rajan, under Sections 384, 504, 452 I.P.C. pending in the court of Munsif Magistrate, Pithoragarh.

2. Brief facts of the case are that the complainant/respondent No. 2 was posted as Magistrate at Pithoragarh at the time of the occurrence. According to the complaint, the petitioner, who is the practicing Advocate there entered in the house of respondent No. 2 and wanted to meet the complainant at his residence. When the complainant refused to meet the petitioner, he started hurling abuses against the complainant. The petitioner thereafter forcibly entered in the drawing room of the complainant and again started hurling abuses against the complainant. The complainant thereafter lodged the compliant and the police investigated the matter. The police thereafter submitted the

final report in the matter, but the leaned C.J.M. rejected the final report and framed the charge against the petitioner.

3. The petitioner against the impugned order dated 01.07.1995 by which the charges were framed against him has filed the petition before the Allahabad High Court for quashing the entire criminal proceedings which has been transferred to this Court after creation of new State.

4. Heard Sri Lokendra Dobhal, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

5. I do not find any abuse process of court. Learned Magistrate found prima-facie case against the petitioner and only thereafter, proceeded with the matter and the charges were framed against the petitioner vide order dated 01.07.1995.

6. I am not supposed to embark upon an enquiry with regard to the credibility of the evidence at this stage. Any judgment passed by me would amount to pre-mature judgment, especially, under the circumstance where the evidence is yet to be adduced before the trial judge.

7. The petition lacks merit and is liable to be dismissed.

8. Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

31.07.2006
ASWAL